

AUGUST 14, 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRACY STOBART,

Plaintiff,

vs.

NATIONAL ACTION FINANCIAL SERVICES, INC.,

Defendant.

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Civil Action No.

08 C 50174

**JUDGE REINHARD
MAGISTRATE JUDGE MAHONEY**

COMPLAINT

NOW COMES the Plaintiff, TRACY STOBART, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, NATIONAL ACTION FINANCIAL SERVICES, INC., and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15 U.S.C. § 1692 et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

PARTIES

3. Plaintiff, Tracy Stobart, ("Plaintiff"), is an individual who was at all relevant times residing in the City of Rockford, State of Illinois.

4. At all relevant times herein, Defendant, National Action Financial Services, Inc., ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to Ford Motor Credit.

5. Defendant is a corporation that has its principal place of business and its offices located in the State of New York.

ALLEGATIONS
COUNT I
VIOLATIONS OF THE FDCPA v. NATIONAL ACTION FINANCIAL SERVICES, INC.

6. On June 18, 2008, Plaintiff began receiving telephone calls at her place of employment from Defendant attempting to collect a debt allegedly owed to Ford Motor Credit.

7. In the initial conversation, Plaintiff demanded Defendant no longer contact her during business hours and at her work number, however her request went ignored. Defendant continued to place repeated telephone calls to Plaintiff at her work number and during business hours.

8. In a future conversation, Defendant spoke with Plaintiff's co-worker and disclosed that Plaintiff owed a debt and referred to Plaintiff as a "deadbeat".

9. Defendant threatened that if Plaintiff did not make payment, it would contact Plaintiff's boss directly at her home, disclose information regarding the debt, and repeatedly continue to contact Plaintiff's boss until she let Plaintiff go from her employment.

10. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

- a. Stated that the consumer owes any debt when the debt collector communicated with any person other than the consumer for the purpose of acquiring location information in violation of 15 U.S.C. § 1692b(2); and
- b. Communicate with a consumer in connection with the collection of any debt at the consumer's place of employment if the debt collector knows or has

reason to know that the consumer's employer prohibits the consumer from receiving such communication in violation of 15 U.S.C. § 1692c(a)(3).

11. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, TRACY STOBART, by and through her attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY*****

Respectfully Submitted,
TRACY STOBART

By: s/Larry P. Smith
Attorney for Plaintiff

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